VII.

AN ORDINANCE OF THE Lords and Commons, ASSEMBLED IN PARLIAMENT,

for the appointing and authorizing of

HENRY BROOKE, Esquire,

To be high Sheriffe of the County Palatine of CHESTER; And for regulating some other things concerning the said Office, and *supply of Justice now obstructed in that County.*

Die Veneris 13. Sept. 1644.

ORdered by the LORDS assembled in Parliament, that this Ordinance be forthwith printed and published.

John Browne Cler. Parliament.

LONDON;
Printed for *Tho. Underhill*, at the Bible in *Woodstreet*.
1644.

AN ORDINANCE OF THE Lords and Commons, ASSEMBLED IN PARLIAMENT, For the appointing and authorizing of HENRY BROOKE Esquire, To be high Sheriff within the County of CHESTER; And for ordering some things concerning the said Office, and the Duty of Justices now assembled in the said County.

BIBLIOTHECA BODLEIANA

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Printed for Thomas Underhill at the Bible in Wood-street.
1644.

AN ORDINANCE OF THE LORDS and COMMONS Assembled in Parliament, for the appointing and authorizing of *Henry Brooke* Esquire, to be high Sheriffe of the County Palatine of *Chester*, and for regulating some *other things concerning the said office, and supply of Justice now obstructed in that* COUNTIE.

THE LORDS and COMMONS in Parliament assembled, taking into Consideration the necessitie of appointing an high Sheriffe for the Countie Palatine of *Chester*, and that such Officer cannot be constituted in the usuall manner, in respect the Castle of *Chester*, where the Court of Exchequer (being the auncient Chancery-Court for that County) and the County Palatine Seale are kept (by which Seale and no other the Sheriffes of that County have been usually there made) as also the City of *Chester*, are now all in possession of the Enemies to the King and Parliament, and the Chamberlaine of that County in present rebellion, and in

Armes againſt the Parliament, doe thinke fit to order and ordeine, And be it ordeined and eſtabliſhed by the ſaid LORDS and COMMONS, That *Henry Brooke* Eſquire, ſhall be and is hereby authorized and appointed to be Sheriffe of the ſaid Countie, and doe commit unto him the ſaid *Henry Brooke* the office of Sheriffe, and the Cuſtody of the ſaid County Palatine, To have and execute the ſame in as large and ample manner as any Sheriffe of that Countie heretofore lawfully hath or might have done; And whereas by vertue of a Writ or Commiſſion under the great Seale of *England* already iſſued, *Gilbert Millington*, *William Aſhurſt*, and *John Bradſhaw*, Eſquires, Commiſſioners therein named, have miniſtred unto the ſaid *Henry Brooke*, the two uſuall oaths, to wit, the oath for the due execution of the ſaid office of Sheriffe, and the oath of Supremacy; the execution of which Writ is thereby enjoyned to be returned to the Chamberlaine of *Cheſter* at the ſaid Exchequer of *Cheſter*. The ſaid *Lords* and *Commons* doe order and ordeine, in reſpect ſuch returne cannot now be made, that the ſame be forborne, And that the ſaid Commiſſioners ſhall returne in the ſaid Commiſſion to them directed, and the execution thereof into the Chancery of *England*, there to remaine of record, which ſhall be a ſufficient diſcharge to them the ſaid Commiſſioners in that behalfe; And whereby the Statute made in the three and thirtieth yeare of the reigne of the late King HENRY the eight, the Sheriffes of the ſaid County for the time being, are limitted to keepe their Shire Court in the Shire-Hall of that County, which Shire-Hall is within and part of the ſaid Caſtle of *Cheſter*, now in the

the Enemies hands. And where the uſage hath been for the ſaid Sheriffes to keep their County Court upon a Munday, whereby Bailiffes of Sheriffes, Suitors of the Court and others, for ſaving of expence, have taken occaſion to travell on the Lords Day, to the great prophanation of that holy Day, for ſupply of the ſaid defect, and remedy of the ſaid evill; Be it further ordained and eſtabliſhed, by the Authority aforeſaid, That during the time that the ſaid Caſtle of *Cheſter* ſhall continue in the enemies poſſeſſion, and untill the ſame ſhall be reduced within the power of Parliament, and that other Order by both Houſes of Parliament ſhall be taken to the contrary, the ſaid Sheriffe of the ſaid County, and other the Sheriffes of the ſame for the time being, ſhall keepe his and their Sheriffe Court in the Town-hall or Court-hall, of or within the Towne of *Namptwich*, in the ſaid County; And that the Shire Court ſhall be hereafter conſtantly kept every moneth upon the Tueſday next enſuing the former uſuall Court day, and not upon any Munday, for determination of plaints and actions under forty ſhillings, And for Proclamations and calling of Exigents, and other neceſſary cauſes as hath beene uſed at other Shire Courts held formerly as aforeſaid: And that the head Coroners for the body of the ſaid Shire, when any new choice is, or ought to be by reaſon of death, inſufficiency, or otherwiſe, during the enemies poſſeſſion of the ſaid Caſtle as aforeſaid, ſhall be elected and choſen by vertue of the Kings Writ *De Coronatore eligendo*, to be awarded from the *Chancery*

ry of *England*, which Coroners, as alſo thoſe for the time being (not ſecured or ſequeſtred for their malignancy to the Parliament) are hereby enjoyned to ſit with the ſaid Sheriffe, at the ſaid Courts, to give Judgement upon *Utlaries*, and to do all other things as appertaineth to their place and office, any Law, Uſage, Statute, Priviledge, or Cuſtome to the contrary notwithſtanding: And the Lords and Commons do ordaine, enjoyn, and command all manner of perſons of the ſaid County whom the ſame may concerne, to be to him the ſaid *Henry Brook* during his continuance in the ſaid Office, aiding and aſſiſting in all things which belong to the ſaid Office; And whereas divers Writs, Commiſſions, Precepts & Warrants, have uſually heretofore iſſued out of his Majeſties Court of *Chancery*, Court of *Wards*, and other his Majeſties Courts at *Weſtminſter*, directed to the *Chamberlain* of the ſaid County Palatine for the time being, by force whereof divers Writs and Commiſſions have iſſued out of the ſaid Court of *Exchequer* at *Cheſter*, under the ſaid County Palatine Seal, directed unto the Sheriffe Eſcheator, Feodaries and Coroners of the ſame County; whereupon proceedings have been uſually had, and afterwards returned into the ſaid Court of *Exchequer* at *Cheſter*; and from thence tranſmitted to the reſpective Courts above at *Weſtminſter*, according to the nature of the cauſe. Now for as much as the ſaid Court at *Cheſter*, and Seal are in the enemies hands as aforeſaid, and the *Chamberlain* and other Officers of the Seal there in preſent rebellion againſt the King and Parliament, ſo as ſuch courſe for Writs, Commiſſions and Warrants cannot be obſerved

observed as formerly, neither can the Inhabitants of the ſaid County with ſafety repair to the Courts of *Cheſter* for Juſtice as formerly; and yet by the ancient Uſages and Priviledges of that County cannot for matters there ariſing ſue one another, or be ſued elſewhere, whereby the courſe of Juſtice there is for preſent obſtructed, to the great damage of the ſubject; Be it therefore ordained and eſtabliſhed by the Authority aforeſaid, That the former courſe of iſſuing out Writs, Commiſſions, Precepts and Warrants out of any the Courts at *Weſtminſter*, directed to the *Chamberlain* of *Cheſter* ſhall be forborne, during the time that the ſaid City and Caſtle of *Cheſter* ſhall continue in the enemies hands; And that during that time, and untill other Order by both Houſes of Parliament ſhall be taken to the contrary; all ſuch Writs, Commiſſions, Precepts and Warrants henceforth to iſſue out of the ſaid Courts at *Weſtminſter*, for and concerning the matters of the ſaid County Palatine, ſhall be immediately ſent and directed unto the Sheriffe, Eſcheator, Feodary, Coroners, and other Officers of the ſaid County of *Cheſter* reſpectively, and ſhall be by them executed in ſuch ſort, manner and forme, as is uſually done in like caſes, unto, and by the Sheriffes, Eſcheators, Feodaries, Coroners, and other Officers of other Counties not Palatine within the Realme of *England*: And further, that during ſuch time of the enemies poſſeſſion of the City and Caſtle as aforeſaid, the ſubjects of the ſaid County ſhall and may ſue and be reſponſall in the Courts of Juſtice at *Weſtminſter*; And that the Kings Writ ſhall there run as is uſed in other Counties;

Counties; any Law, Usage, Statute, Priviledge or Customes to the contrary notwithstanding: And it is lastly ordained and declared, that as well the said Sheriffe in the execution of his said place and Office, as also all other Officers and persons that shall do any thing by vertue and in execution and pursuance of this Ordinance, and of the power therein contained, and according to the direction of the same, shall be kept indempnified by the Authority and Power of both Houses of Parliament; Provided that nothing herein contained shall for time to come be interpreted to the disadvantage or prejudice of the ancient Rights, Priviledges, Usages and Customes of the said County Palatine, or of the Inhabitants of the same.

Jo. Browne, Cler. Parl.

FINIS.